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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 25th MEETING
(SECOND PART)*

Held at the Palais des Nations, Geneva,
on Wednesday, 17 February 1993, at 3.30 p.m.

Chairman: Mr. FLINTERMAN (Netherlands)

later: Mr. BROTODININGRAT (Indonesia)

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* The summary record of the second part of the meeting appears as document E/CN.4/1993/SR.25.

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GE.93-14064 (E)

WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 25) (continued)

1. Mr. ESPER LARSEN (Observer for Denmark) said that the European Community and its member States, on behalf of which he was speaking and which were playing an active part in the preparations for the World Conference on Human Rights, welcomed the fact that the General Assembly had adopted the provisional agenda for the Conference by consensus on 4 December 1992. He wished to pay tribute to Mrs. Warzazi, Chairman of the Bureau of the Preparatory Committee, for her tireless efforts to overcome the early difficulties in the preparatory process.

2. The World Conference would provide an important opportunity for the international community to confirm the universality of human rights and to reach agreement on practical measures in support of human rights and democracy as an integral part of development.

3. The World Conference should also reaffirm its solidarity with all victims of human rights violations and chart a course for the implementation of human rights into the twenty-first century, on the basis of the objectives contained in General Assembly resolution 45/155.

4. The European Community sincerely hoped that the World Conference would be truly universal in character and that the least developed countries would be represented to the greatest possible extent. It also noted with appreciation that non-governmental organizations (NGOs) and national institutions for the protection and promotion of human rights would be able to participate actively. He reaffirmed the community's conviction that NGOs would make an invaluable contribution to the success of the Conference. It would therefore continue to grant financial support to NGOs, particularly those from developing countries, so that they could participate in the preparatory regional conferences and in the World Conference itself.

5. Everything possible must be done to ensure that the World Conference reached positive and substantive conclusions and engaged the interest of the mass media and international public opinion. The Tunis and San José Declarations, adopted at the African and Latin American/Caribbean Regional Meetings, would help to promote a constructive and productive dialogue at the World Conference. The Community looked forward with interest to the outcome of the deliberations of the Asian Regional Meeting, which was to be held at Bangkok in March 1993.

6. In Europe, experts and Government representatives from all parts of the world had participated in January 1993 at Strasbourg in an interregional meeting organized by the Council of Europe in advance of the World Conference and had identified many areas of consensus.

7. In conclusion, he said that the European Community and its member States would do everything possible to ensure that, at its 4th meeting, the Preparatory Committee would hold a substantive discussion and achieve concrete results.

8. Mr. Brotodiningrat (Indonesia) took the Chair.

9. Mr. FERNANDEZ (International Organization for the Development of Freedom of Education) said that the main task of mankind during the forthcoming decade would be to combine development, democratization and respect for human rights.

10. Education could contribute to the achievement of that objective, provided that it was based on the principles set forth in the International Bill of Human Rights, namely freedom, democracy and tolerance, and paid particular attention to disadvantaged groups.

11. Freedom and democracy implied educational pluralism, which was not incompatible with either obedience to the law or the universality of human rights.

12. The international instruments set out clearly the conditions of such pluralism, in particular the existence of schools, other than those established by the public authorities, which conformed to the minimum educational standards laid down by the State.

13. Pluralism, democracy and development could not be combined without popular participation. To cope with current problems, use must be made of all available means. Development was the concern of society as a whole and not just the State. It must be recognized, however, that many Governments were hostile to such popular participation although the World Conference on Education for All, held at Jomtien, had declared that national, regional and local educational authorities must develop new partnerships at all levels between the State and NGOs, the private sector, local communities, religious groups and families. Such participation should not be interpreted as an abdication by the public authorities but as a change of attitude towards society. It would make it possible to fight corruption more effectively and improve the management of financial resources. In short, it was a question of replacing, within a democratic framework, a culture of assistance by one of participation.

14. Ms. MOSS (Inuit Circumpolar Conference) said that her organization represented approximately 115,000 Inuits in the Arctic regions of Alaska, Canada, Greenland and Russia. The Inuits were entitled to self-determination, including the right to safeguard the integrity of their environment and to control their national, economic, cultural and political development. They believed that there was an inseparable relationship between human rights, development and peace. The individual and collective rights of the indigenous peoples must be expressly recognized at the national and international levels. The Inuits were committed to working towards the achievement of that objective with the Arctic States in particular and with the international community in general.

15. Her organization urged the Commission to support the fullest possible participation of indigenous peoples in the World Conference. That meant that there must be an opportunity for the indigenous peoples and NGOs to participate directly in the 4th meeting of the Preparatory Committee at

Geneva. In addition, it would be necessary to ensure that resources were made available to fund the holding of an indigenous peoples' formum prior to the World Conference.

16. The World Conference on Human Rights oculd not truly be a world conference without a substantive discussion of the human rights concerns of the indigenous peoples. Without direct participation and dialogue, there was little chance of "a new partnership".

17. Ms. GONZALEZ (Latin American Federation of Associations of Relatives of Disappeared Persons - FEDEFAM) said that, at the Latin American and Caribbean Regional Meeting which had been held in Costa Rica and in which her organization had taken part, there had not been a full evaluation of the effectiveness of the mechanism for the defence of human rights because of the lack of genuine popular participation. Most of the region's inhabitants had not been informed of the holding of that meeting, at which the human rights situatiоn in the countries of Latin America and the Caribbean had not even been addressed.

18. It was not enough to encourage States to ratify a particular covenant; it was also urgently necessary to find ways and means of ensuring that all States, particularly the most powerful ones, strictly fulfilled their obligations.

19. As for the agenda of the World Conference, it must include, in positions of priority, two important issues, namely, that of enforced disappearances - which, according to the Working Group on Enforced or Involuntary Disappearances, affected 45 countries - and that of indigenous peoples.

20. In conclusion, she said that the persons whose cause FEDEFAM was defending had disappeared because they had yearned for a world in which there would be no hunger, poverty or street children and where everyone's right to life, health, education, work and housing would be respected. However, the living conditions of the peoples of Latin America continued to deteriorate. Everything possible must therefore be done to establish a genuine democracy, where freedom and social justice prevailed.

21. Ms. SZMUKLER (American Association of Jurists) said that the World Conference on Human Rights would make a major contribution to strengthening human rights if States were genuinely prepared to protect those rights and to punish sytematically those who violated them.

22. Her organization supported the final Declaration of the Regional Meeting, recently held in Costa Rica, since it expressed the aspirations of the peoples of Latin America and the Caribbean and had been adopted by consensus. However, that had not prevented the Government of Argentina from conferring a decoration on General Pinochet, the person mainly responsible for the coup d'état which had resulted in thousands being killed, disappearing, being tortured or arbitrarily detained, crimes which had all remained unpunished. Nothing could justify such an attitude on the part of the Government of Argentine.

23. Impunity was precisely one of the issues which the World Conference should examine in depth, since it currently constituted one of the main obstacles to respect for human rights and ensured the perpetuation of injustice in all its forms.

24. Items 9 to 13 of the Conference agenda should expressly include the following questions: first, the policies of the international financing bodies, particularly IMF and the World Bank, and the external debt of developing countries, which were such obstacles to the exercise of human rights; secondly, the democratization of the structures of the United Nations, with particular reference to changes in the composition of the Security Council and elimination of the veto; and thirdly, the installation of democratic machinery designed to ensure authentic popular participation in political, economic and social life.

25. In conclusion, she hoped that the President of the World Conference would make it possible for the NGOs to play an active part in its deliberations.

26. Ms. NUÑEZ (Commission for the Defence of Human Rights in Central America) said that her organization had participated actively in the Latin American and Caribbean Regional Meeting. The NGOs were playing a key role in the defence of human rights, since they denounced with the greatest vigour the violations of those rights and sought to ensure that States fulfilled their obligations in that area.

27. To enable the NGOs to play a significant part in the World Conference, its rules of procedure must specifically grant them the right to take the floor. Moreover, they would have to be duly informed of the progress of the work, which had not been done at the Latin American and Caribbean Regional meeting. The Conference would be the ideal place to analyse the relationship between human rights, development and democracy, in the light of the principles of interdependence, universality, objectivity, impartiality and non-selectivity. Consideration should also be given to ways of inducing the international financing bodies to respect the principles of the United Nations.

28. The Conference should also consider the question of establishing machinery to punish States which violated human rights and did not respect their commitments to their people and the international community.

29. Similarly, machinery needed to be set up to ensure respect for the human rights of indigenous peoples, women and the handicapped.

30. Lastly, it was extremely important that the NGOs should know in advance how the decisions of the World Conference were to be implemented. The Commission of Human Rights should include in the agenda for the 1994 session an item on the evaluation of the work of the Conference.

31. Mr. SIOUI (Four Directions Council) said that, unlike the indigenous peoples and nations of Latin America and the Caribbean, the indigenous nations of North America had not yet received an invitation to the World Conference on Human Rights. The Under-Secretary-General for Human Rights, Mr. Blanca, had,

however, expressed the hope that the indigenous peoples would be represented at the Conference and that their concerns would be reflected there.

32. The indigenous peoples of North America did not wish to be kept out of the way, as had been done at the Rio Conference. They hoped that a regional preparatory meeting for North America would be held and that they would be invited to attend it. If such a meeting was not held, the legitimacy of the Vienna Conference would be seriously damaged.

33. Such a regional meeting was all the more necessary in that Canada and the United States of America were far from models with regard to the treatment of indigenous peoples. He asked whether it was known, for example, that in Canada it was the young indigenous population that had the highest suicide rate.

34. Mr. ELKARIB (Sudan) said that his country had actively participated in the preparation for the World Conference, particularly at the African Regional Meeting in Tunis. His Government, which was endeavouring in very difficult circumstances to improve the human rights situation in the country, was looking forward to the outcome of the Conference.

35. The questions of national sovereignty, foreign occupation and self-determination should be explicitly mentioned in the agenda of the Conference.

36. Care would have to be taken at the Conference to ensure that consideration of the question of human rights did not serve as a pretext for political manoeuvres. It should also be reaffirmed that the right to development was just as fundamental as the other rights and recalled that peoples had the right freely to determine their political status in the light of their history and cultural traditions.

37. In conclusion, he hoped that the spirit of cooperation and brotherhood among the various peoples and cultures in the world would make it possible to improve the human rights situation and prevent the protection of human rights from serving as a pretext in the United Nations for futile political confrontations.

38. The CHAIRMAN said that the Commission had concluded its consideration of agenda item 25.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FOURTH SESSION (agenda item 19) (E/CN.4/1993/2-E/CN.4/Sub.2/1992/58)

39. Mr. ALFONSO MARTINEZ (Cuba), speaking as Chairman of the Sub-Commission at its forty-fourth session, said that the Sub-Commission had taken due account of the recommendations made by the Commission in its resolution 1992/66. In particular, it had adopted, by its resolution 1992/8, guidelines concerning its methods of work.

40. It had also rationalized its work, as evidenced by the reduction in the number of draft resolutions and draft decisions that it had referred to the Commission and the number of decisions it had taken. The number of resolutions it had adopted was the same as in 1991.

41. Furthermore, all the decisions and the vast majority of the resolutions had been adopted by consensus, through a broad process of consultations.

42. The Sub-Commission had also made good use of the time allotted to it, especially by respecting time-limits and through the self-discipline shown by speakers.

43. He thanked Mrs. Ksentini, Mr. Bossuyt, Mr. Chernichenko and Mr. Sachar, the officers of the Sub-Commission, who had greatly helped him in his work.

44. The Sub-Commission had accorded high priority to racism, racial discrimination, xenophobia, apartheid and the transition in South Africa, as well as to the situation in the occupied Arab territories. The question of indigenous peoples had also received the attention it deserved.

45. The Sub-Commission had also considered at length the question of the human rights of all persons subjected to any form of detention or imprisonment, with particular reference to enforced disappearances, torture and summary or arbitrary executions. Over the past two years, the Sub-Commission had examined the ways in which the international community could compensate the victims of such violations.

46. The Sub-Commission was becoming increasingly preoccupied by the impunity enjoyed by the perpetrators of human rights violations. It had submitted for the Commission's consideration a draft resolution entitled "Question of the impunity of perpetrators of violations of human rights".

47. The Sub-Commission had made much use of the confidential procedure established by Economic and Social Council resolution 1503 (XLVIII).

48. Reverting to the Sub-Commission's methods of work, he recalled that an inter-sessional Working Group had been established, made up of Mr. Joinet (Chairman), Mr. Yimer (Rapporteur), Mr. Despouy, Mr. Chernichenko and Mr. Hatano. The Working Group had met for nine months and the results of its activities were contained in document E/CN.4/Sub.2/1992/3 and Add.1.

49. In accordance with the instructions given by the Commission in its resolution 1992/66, the Working Group had considered four major issues: rationalization of the methods of work of the Sub-Commission; restructuring of the agenda of the Sub-Commission; coordination with the Commission and other competent organs of the United Nations; and independence of the experts.

50. Paragraph 33 et seq. of document E/CN.4/1993/60 contained the proposals made by the Working Group on the rationalization of the methods of work of the Sub-Commission, together with the relevant decisions adopted by the latter.

51. Mr. GWAM (Nigeria) said that his delegation welcomed the fact that the Sub-Commission had referred to the Commission a resolution entitled "Measures

to combat racism and racial discrimination and the role of the Sub-Commission". Since the first two decades to combat racism and racial discrimination had not attained their principal objectives, the General Assembly should launch a third decade.

52. He paid tribute to Mr. Khalifa, Special Rapporteur of the Sub-Commission, for his contribution to the elimination of apartheid and welcomed the fact that Ms. Attah had been entrusted with the task of submitting annually a report on that issue. It was essential that the obstacles hampering the democratization process in South Africa should be analysed and suggestions made regarding ways and means of eliminating them.

53. His delegation welcomed the draft resolution on forced evictions, which urged all Governments to take immediate steps to eliminate that practice.

54. The lack of will shown by the international community in the fight against poverty, which affected large areas of the developing countries, revealed that the international order foreseen by the founders of the United Nations was far from being established. His delegation therefore welcomed the appointment of a special rapporteur to study the question of extreme poverty.

55. His Government hoped that the draft universal declaration on indigenous rights which had been prepared by the Working Group on Indigenous Populations, would take full account of the ideas and concerns expressed by those peoples, as well as the recommendations made by Governments, since it was the latter that would have to adopt the draft declaration in the General Assembly.

56. It would be appropriate if the draft declaration could be adopted in the International Year of the World's Indigenous People.

57. In conclusion, he paid tribute to the Working Group on Indigenous Populations and to its Chairman, Mrs. Daes, for the quality of its report.

58. Mr. MARANTZ (Canada) recalled that, the previous year, his delegation had submitted to the Commission the first resolution on disability, which had received the firm support of many delegations. He hoped that there would be the same support for the resolution on disability submitted at the current session.

59. The year 1992 had marked the end of the United Nations Decade of Disabled Persons. Initiatives had been taken to strengthen international activity in the area of disability. In October of that year, Canada had hosted, at Montreal, the first Conference of Ministers Responsible for the Status of Persons with Disabilities. Ministers, representatives of the United Nations and non-governmental organizations concerned with persons with disabilities had discussed ways of strengthening ministerial collaboration in that area.

60. Following the Montreal meeting, a Working Group of Ministers from all regions of the world had met in Paris in January 1993. The Working Group had recommended the establishment of an international mechanism to support ongoing cooperation among the ministers with a view to meeting the needs of persons with disabilities.

61. His delegation supported the adoption by the Commission for Social Development of the standard rules on the equalization of opportunities for disabled persons and the long-term strategy to the year 2000. It also approved the World Programme of Action concerning Disabled Persons and hoped that all those measures would provide States with the tools they required to move from awareness to action.

62. Turning to the question of indigenous peoples, he said that his delegation fully approved the theme chosen for the International Year of the World's Indigenous People - "Indigenous people - a new partnership", since it clearly reflected the changes under way in the relations between indigenous peoples, Governments and the international community.

63. His Government welcomed the fact that the General Assembly had requested the Commission on Human Rights to begin consideration at its fiftieth session of the draft universal declaration on indigenous rights, which had been the subject of discussion for 10 years.

64. The international community owed a debt of gratitude to the Working Group on Indigenous Populations for having, under the leadership of Mrs. Daes, contributed greatly to the elaboration of the draft text, which should be circulated as early as possible so as to ensure that all Governments and indigenous groups had the opportunity to consider it thoroughly, particularly in the light of the studies on the cultural and intellectual property of indigenous peoples and on treaties, agreements and other constructive arrangements between States and indigenous peoples, the expeditious completion of which his delegation had urged the previous year.

65. In the view of his Government, the United Nations must continue to explore ways of collaborating with the indigenous peoples. For example, the Working Group on Indigenous Populations might have its mandate extended after completion of its work on the draft declaration. In that connection, governments and indigenous peoples should explore the factors to be taken into account when establishing the mandate for a new working group of the Commission to address the draft declaration.

66. The Federal Government of Canada and the provincial governments had been engaged over the past 10 years in a dialogue to define a new relationship between Aboriginal and non-Aboriginal Canadians. Thus, in 1990, the Prime Minister had announced the establishment of a "Native Agenda" in order to accelerate the settlement of land claims, enhance social and economic conditions on reserves; improve relations between Aboriginal groups and the governments and, lastly, address the concerns of the Aboriginal people. In that way, two territorial problems had recently been resolved, in Saskatchewan and the Northwest Territories. The Federal Government also intended to introduce, during the current year, legislation leading to the establishment in the eastern Northwest Territories of a Nunavut territory and government, which would give the residents, the majority of whom were Inuit, greater control over decisions that affected them.

67. Lastly, a Royal Commission on Aboriginal Peoples had been established to examine the economic, social and cultural situation of Aboriginal people in

Canada. That Commission, which worked in close collaboration with the Aboriginal leaders, would submit its conclusions in 1994.

68. In conclusion, he hoped that the indigenous peoples would be closely associated with the work of the World Conference on Human Rights and that their problems would be given all due attention there.

69. Mr. WILLIS (Australia) commended the Working Group on Indigenous Populations and its Chairman, Mrs. Daes, on their efforts to develop a draft declaration on indigenous rights. His delegation, which had taken an active part in the deliberations of the Working Group, hoped that the draft declaration would be adopted by the Sub-Commission at its next session for submission to the Commission at its fiftieth session.

70. The Commission should establish its own working group to examine the text. That working group should take account of the views expressed by non-governmental organizations and indigenous representatives, as had been done so far by the Working Group of the Sub-Commission. The latter would continue to play an important role by remaining in the centre of discussions on issues involving indigenous peoples.

71. His delegation hoped that the study on treaties, agreements and other constructive arrangements between States and indigenous populations would be completed at the earliest possible time. The study was of great interest to Australia, which had undertaken a "process of reconciliation" between the indigenous peoples and the rest of the population.

72. His Government recognized that Australia's indigenous peoples continued to be disadvantaged with regard to the rest of the population and that a new partnership had to be forged between Aboriginals and non-Aboriginals.

73. His Government was working actively to overcome the problems faced by indigenous Australians, particularly in the field of justice. The Royal Commission set up to investigate the deaths of Aboriginals in custody had concluded that those who had died were victims of institutionalized racism and discrimination. The Government had endorsed virtually all of the Commission's recommendations and had decided to spend $400 million over the next five years to address the underlying causes of those deaths.

74. A commissioner responsible for ensuring that the Aboriginal and Torres Strait Islander Peoples received equal treatment at the social-justice level was to be appointed. He would prepare an annual state of the nation report on the human rights situation of the Aboriginal and Torres Strait Islander Peoples and recommend measures to be taken to ensure that those peoples received treatment equal to that of other Australians. Furthermore, legal services for Aboriginals would be improved, a training programme for Aboriginal court interpreters would be established and the training programmes for Australian police officers would be improved.

75. The High Court of Australia had recently handed down an extremely important decision for the Aboriginal and Torres Strait Islander Peoples, since it recognized a form of native title over Murray Island, thereby

rejecting the essentially racist notion of terra nullius which had previously been used to justify the dispossession and oppression of the indigenous peoples of Australia.

76. All those developments reflected the positive approach adopted by Australia with regard to the right of indigenous peoples to self-determination, a system of self-determination which guaranteed full and genuine participation, respect for fundamental human rights and recognition of the special position of those peoples. His Government hoped that substantial progress would be made towards an international consensus on that complex but fundamental issue within the framework of the International Year of the World's Indigenous People.

77. In conclusion, he expressed the hope that the International Year of the World's Indigenous People would result in practical measures to meet the needs and aspirations of the indigenous peoples and that the World Conference on Human Rights would encourage the international community to promote and protect the rights of those peoples.

78. Mr. CAMPBELL (United Kingdom) said that his delegation approved the proposals of the inter-sessional Working Group on the methods of work of the Sub-Commission, in particular those relating to the preparation of studies (E/CN.4/Sub.2/1992/3 and Add.1). Such studies were, in fact, the best contribution made by the Sub-Commission to the work of the Commission.

79. His delegation welcomed the decision to limit the number of studies undertaken at any one time. The Sub-Commission should, however, within the framework of that limitation, allow the more urgent or important studies to be given precedence.

80. It also welcomed the requirement that no new study could be undertaken unless a preparatory document had been produced setting out the relevance of the study, its timeliness, its object, a general outline and a draft timetable. The Sub-Commission would thus be able to take an informed view on whether the topic was worth pursuing or not. To avoid any possible conflict of interest, it might be advisable to ensure that the expert who drafted the preparatory document was not the same expert designated to undertake the final study.

81. The time-limit of a maximum of three years set for special rapporteurs to conclude their studies should be extended only in exceptional circumstances.

82. The Rapporteur of the Sub-Commission had sensibly been given the task of collecting proposals for studies and scheduling the time needed for their consideration. Members of the Commission and the Sub-Commission would find it useful to be able to consult a list of all studies and their state of progress, which the Sub-Commission should annex to its annual report to the Commission.

83. With regard to guideline 5, whereby two members at most of the Sub-Commission could be appointed as commentators to analyse each study, in liaison with its author or authors, so as to lead the Sub-Commission's discussions when it examined the study, he said that its application would

render possible a genuinely substantive debate which had not always taken place when the other experts had not had sufficient time to make an adequate examination of a study.

84. The second part of the guidelines concerned the submission and adoption of resolutions and decisions by the Sub-Commission. His own and other delegations had, on several occasions, drawn the Sub-Commission's attention to the need to avoid duplication or overlap with resolutions adopted by the Commission. His delegation therefore welcomed the fact that the Secretariat was requested to draw up at each session of the Sub-Commission a comparative statistical table for the previous three years indicating the number of decisions and resolutions dealt with by category, with a view to reducing their number. It also noted with satisfaction that the Chairman would be able to request the withdrawal of a draft resolution with fewer than four sponsors and make, by consensus, a solemn statement to replace a draft resolution, with the agreement of its sponsors.

85. It was up to the Sub-Commission members, both individually and collectively, to implement those guidelines. The results of the forty-fourth session were not particularly encouraging in that regard, since the Sub-Commission had adopted 39 resolutions, i.e. the same number as in 1991. It had, however, adopted only 12 decisions, as against 19 the previous year.

86. Lastly, he welcomed the fact that in the third part of the document, which was concerned with meeting arrangements and time management, it was proposed to impose time-limits on speakers, whether members of the Sub-Commission, government observers or observers for non-governmental organizations. It was regrettable, however, that the Sub-Commission had adopted that guideline only at the end of its session and not at the beginning, as the Commission would have preferred.

87. He hoped that all those guidelines would be fully applied the following year, that the Commission would be able to learn from the Sub-Commission's experience and that cooperation between the two bodies would be strengthened as a result.

88. Mr. LEHNE (Observer for Norway) said that, the previous day, the Commission had had the opportunity to devote full attention to the International Year of the World's Indigenous People and to hear in particular statements by the Nobel Peace Prize Laureate, Ms. Rigoberta Menchu, and other representatives of indigenous organizations.

89. The International Year should be an occasion for the international community to recognize fully the rights of indigenous peoples and to achieve the realization of the theme "indigenous people - a new partnership" at both the national and international levels.

90. His Government hoped that the Working Group on Indigenous Populations, under the leadership of Mrs. Daes, would during the following summer finalize the draft universal declaration on indigenous rights, on which it had been working for some 10 years, so that the Commission could consider it at its fiftieth session. The Working Group should make every effort to elaborate provisions which commanded the broadest possible acceptance.

91. As for the question of the future of the Working Group after it had finished its work on the draft resolution, a solution would have to be found by cooperation between the United Nations, Governments, and the representatives of indigenous peoples. Pending the taking of a decision - it had been suggested that a permanent forum for indigenous affairs should be established within the United Nations system - the Working Group should continue its work on the second part of its mandate, namely, the review of developments concerning indigenous peoples.

92. One of the main purposes of the International Year was to focus attention on the assistance that might be provided to indigenous peoples in the areas of health, education, development, environment and human rights. The indigenous peoples should be closely involved in the preparation, execution and evaluation of projects in those various sectors.

93. Norway had contributed to the International Year by making substantial financial payments to the Voluntary Fund established for the Year and by seconding a Sami representative to participate in the work of the Centre for Human Rights. Norway also made regular contributions to the United Nations Voluntary Fund for Indigenous Populations and channelled approximately US$ 5 million annually to projects for indigenous peoples, primarily in Central America.

94. At the national level, the Norwegian Government and the Sami Parliament had agreed on a plan of action for the International Year, with the following objectives: to focus on the Sami population as a Nordic indigenous people; to disseminate information about indigenous peoples, particularly the Sami people; to focus attention on problems and weaknesses in the relations between the State and its indigenous peoples; to strengthen contacts between the Sami people and other indigenous peoples; and to focus attention on Sami democratic institutions as a model for self-determination and participation.

95. In conclusion, he said that Norway would continue its efforts towards the implementation of the objectives of the International Year of the World's Indigenous People, during which foundations should be laid for the promotion of the rights of those peoples and for the process of building confidence and justice.

96. Mr. MOSES (Grand Council of the Crees) said that the Cree people lived on the shores of James Bay and Hudson's Bay. He drew attention to a fact which was sometimes forgotten, namely, that it was Canada which had joined the indigenous peoples and not the contrary. In fact, the indigenous peoples of Canada had been subjugated and then after the Second World War, they had been granted Canadian citizenship and given the special protection of Parliament. However, peoples who were not permitted to care for themselves inevitably went into decline. Only self-determination could enable such peoples to preserve their identity and to avoid poverty.

97. The relations between the indigenous peoples of Canada and other Canadians were very similar to those existing between the developed countries of the North and the peoples of the third world. Some indigenous peoples lived in squalid shacks without running water or sewers. The indigenous peoples of Canada were the poorest inhabitants of the country; they had the

shortest life expectancy, the highest suicide rate, the highest unemployment, the worst housing, the most deficient education and the lowest income.

98. At a time when the Working Group on Indigenous Populations had recently completed the first reading of the draft universal declaration on indigenous rights, it must be stated that those peoples had to take control of their own destiny and exercise their right to self-determination, in the same way as all other peoples and in the same conditions - nothing more and nothing less. The indigenous peoples were not asking for special rights: they wished to be treated on an equal footing with other peoples.

99. Self-determination did not mean secession. The indigenous peoples were not fanatics. They merely wished to govern themselves, to benefit from their own wealth, to preserve their culture, language and society. In connection with secession, it should be made clear that the Federal Government of Canada had given the indigenous peoples residing in Quebec no assurance that the indigenous right of self-determination would be respected if Quebec should secede.

100. It must be remembered that the Cree territory had been incorporated into Quebec only in 1912. The Crees would not allow the province of Quebec as an independent State to subject them unilaterally to its authority.

101. In conclusion, he said that the universal declaration on indigenous rights should establish standards to prevent the violation of the fundamental rights of the indigenous peoples.

102. Mr. ALVARADO (International Association against Torture) said that, in Guatemala, the Mayas, who represented 70 per cent of the population, were kept apart from the country's political, economic, social, cultural and military life.

103. The Mayas had a community view of land ownership and production and had their own social organization. They had, however, been despoiled of their lands, their cultural specificity was not recognized, and they were subjected daily to various forms of discrimination.

104. They continued to be forcibly conscripted into the army. The Congress of the Republic had reformed military service but that reform was not being applied. Indigenous people were also forcibly enrolled into civilian patrols that were obliged to control their own communities.

105. A totally alien culture had been imposed on the indigenous peoples, a culture which had destroyed the cosmic ties uniting them to mother earth. Nothing was being done to preserve the language, customs and values of the indigenous peoples. If those peoples insisted on their rights, they were subjected to repression.

106. The indigenous peoples requested the international community, the United Nations and the Commission to ensure respect for their rights, in particular by sending to Guatemala a delegation which could verify that those rights were not being respected.

107. They also urged the international community to encourage the continuation of the dialogue between the UNRG and the Government and the army and to ensure that the needs of the indigenous peoples were taken into account during such negotiations.

108. Mr. CONDORI (Indian Council of South America - CISA) said he hoped that the International Year of the World's Indigenous People would constitute a decisive step along the road to a better future for all the indigenous peoples in the world. CISA had taken note of the fact that on the occasion of their second summit in Madrid in July 1992, the Ibero-American States had signed a Covenant establishing a Fund for the development of the indigenous peoples of Latin America and the Caribbean. Under that Covenant, the descendants of the peoples who had inhabited the country during the period of colonization and who were aware of their indigenous identity were regarded as "indigenous peoples".

109. However, the Bolivian Government did not recognize the Aymaras and the Quechuas as indigenous peoples. It considered that those peoples, being "integrated", had no need of special protection.

110. However, the Working Group on Indigenous Populations had been able to establish that, while there was no de jure discrimination, the indigenous peoples were far from being on an equal footing with other citizens in the social, economic, political and cultural fields, as had been recognized publicly by the President of the Republic, Mr. Jaime Paz Zamora.

111. To remedy that situation, a Fund for the development of the indigenous peoples had been established. The indigenous peoples had been assured that their rights would be respected and that they would be closely associated with the execution of projects concerning them.

112. However, Bolivia was represented in the governing bodies only by a single indigenous representative from the province of Oriente, with the result that the peoples of the Altiplano were excluded. CISA therefore considered that the very objectives of the above-mentioned Covenant were not being respected.

113. Ms. MOSS (Inuit Circumpolar Conference) said that the organization she represented supported the draft universal declaration on indigenous rights, the text of which reflected the position of the indigenous people who continued to be victims of all sorts of violations of their rights. However, the indigenous peoples must continue to be closely associated with the work on the draft, as had been the case so far in the Working Group on Indigenous Populations. There was thus a need to organize, in the autumn of 1993 and under the auspices of the United Nations, a conference at which the States and the indigenous peoples would be able to examine the draft declaration constructively. That did not mean, of course, that the indigenous peoples should not be allowed to participate in the Commission's discussions in that area.

114. Her organization did not consider that the rights contained in the draft declaration were "special rights" or rights that were in any way outside the category of fundamental human rights.

115. In the absence of collective human rights protection, many individual rights could be rendered meaningless. For example, although many individual rights were included in the Canadian Charter of Rights and Freedoms and the use of aboriginal languages in education was no longer prohibited, many of those languages were in danger of extinction. In fact, the protection of individual rights meant only, for indigenous people, the freedom to become assimilated. The draft declaration recognized that the indigenous peoples were collectively equal in rights and dignity to other peoples and cultures.

116. The Inuits were convinced that individual rights and collective rights were complementary and inseparable.

117. The Inuits welcomed the fact that the governments of the provinces and the Federal Government of Canada had recognized by the Charlottetown Accord the right of the indigenous peoples to self-government. The fact that the voters had rejected that Accord could not invalidate that right.

118. In conclusion, she said that the Nunavut territory which the Government of Canada had committed itself to establishing concerned only one of four Inuit territories in Canada. She thus called upon the international community to recognize the right of the Inuit people to self-determination.

119. Mr. LANUS (Argentina), replying to the representative of the American Association of Jurists, said that Argentina, a sovereign and democratic country that respected human rights, had conferred a decoration on the current Commander-in-Chief of the armed forces of its sister Republic of Chile, a democracy which, like Argentina, had fought for its independence and its freedom.

The meeting rose at 9.30 p.m.